ADMINISTRATION OF JUSTICE

671 The Ibonga had a well-developed legal system with a concept of law quite similar to our own. Most of the laws received their sanction from immemorial usage, but new ones could be enacted to meet emergencies. A new law would be formulated by the *M'pewaka* in council with the *Andondrivona* and publicly announced by him at a special *kabary*. There seems to have been no machinery for the repeal of laws. Unpopular or antiquated ones would simply be allowed to lapse. The more important regulations were known to the entire community, but there were certain individuals who were recognized as especially conversant with the law and from whom litigants would seek advice. In trials, previous decisions were often cited, but I could not discover how binding such precedents were.

619 The distinction between civil and criminal cases was clearly
626 recognized. The former consisted of disputes over property. Apparently it was impossible to sue for damages. Criminal actions were brought for theft, murder and witchcraft. Incest, in spite of the very strong feeling against it, was not technically a crime, and neither was mayhem. Actually, deliberate murder and mayhem were so rare that informants were uncertain as to the exact procedure. Fights between other adults were considered disgraceful to both parties and most of the natives had never witnessed one. If one person injured another by accident, or while drunk, the matter was settled informally by an apology and gift to the injured party.

632 Minor civil cases were settled by the *Fokonolona* with the village
635 chief presiding. Criminal cases and the more important civil cases, especially those involving persons from different villages, were tried before the *Andondrivona* of the gens with a number of *Tandin* in attendance. All trials were public. The *Lamasaka* ("chief") of the tribe might attend, but it was always the *Andondrivona* who gave the verdict, after consultation with the *Tandin*. In cases involving persons of different gentes, the litigants would agree to accept the *Andondrivona* of one or the other gens as judge, or, if the matter was very important, refer the case to the *Andondrivona* ("chief
[illegible] counselor to the king"). If the persons involved belonged to different kingdoms, the plaintiff would appeal to either king to act as judge, but that king's decision had to be generally recognized as just and impartial. If it was not, the loser would refuse to abide by it and his own king would support him, causing war between the kingdoms.

685 In civil cases it was not unusual for the litigants to be represented by counsel. Both parties were allowed to state their case and to call